

Appl. #/492,846

REMARKS/ARGUMENTS

In response to the Office Action dated September 12, 2003, Applicants have amended the independent claims to more clearly define embodiments consistent with the present invention. Claims 1-7, 9-15, 34-40, 42-48, and 122 are pending. Reconsideration and allowance of all pending claims are respectfully requested.

Claims 1-4, 9-12, 34-37, 42-45, and 122 were rejected under 35 U.S.C. § 103 as having been obvious over U.S. Patent Nos. 6,199,107 (Dujari) and 6,049,892 (Casagrande). Applicants have amended independent claims 1, 34, and 122 to recite use of a first executable file for use in downloading other files, prompting a user to indicate whether to install the second executable software file, and selectively installing the second executable file when requested.

The Dujari patent does not disclose downloading a software file or selectively installing such a file. The Casagrande patent was cited, in combination with the Dujari patent, as disclosing that feature. The Casagrande patent, however, does not disclose the ability to prompt a user to selectively install an executable software file. Rather, the Casagrande patent requires installation of the downloaded executed software file in that such a file is locally required for downloading of other programs. The cited software file in the Casagrande patent, the client program, must be downloaded and installed for use in downloading other files, and the patent discloses no way for the client program to prompt a user concerning installation of other files or the actual installation of them. (Casagrande patent, col. 6, lines 46-67.) The client program, once downloaded, is used only for downloading of data files, not other executable software files.

Accordingly, Applicants respectfully submit that the Dujari and Casagrande patents do not disclose or suggest the combination of features recited in claims 1, 34, and 122, and that they are thus patentable over those references. Applicants respectfully submit that dependent claims 2-4, 9-12, 35-37, and 42-45, which include all the elements of their respective base claims, are patentable for at least the same reasons provided above for their respective base claims.

Claims 5-7, 13-15, 38-40, and 46-48 were rejected under 35 U.S.C. § 103 as having been obvious over the Dujari patent, the Casagrande patent, and U.S. Patent No. 6,023,698. Applicants respectfully submit that these dependent claims 5-7, 13-15, 38-40,

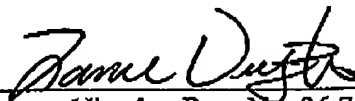
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and 46-48, which include all the elements of their respective base claims, are patentable for at least the same reasons provided above for their respective base claims.

In view of the above amendments and remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Respectfully submitted,

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